

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 V.) M.B.D. No. 05-10209
)
FRANCOISE NGELE BUNDU)

MOTION TO EXCLUDE TIME

On April 26, 2005, U.S. Magistrate Judge Dein issued a finding of probable cause in the matter of United States v. Francoise Ngele Bundu, Cr. No. 05-MJ-01076-JGD, on a complaint charging the defendant with parental kidnaping, in violation of 18 U.S.C. § 1204. The parties have since been engaged in good faith discussions regarding resolution of the case by agreement rather than by indictment and, accordingly, have previously moved the Court to extend the time period in which the government otherwise would be required or inclined to seek an indictment. The discussions most recently have been interrupted by the undersigned AUSA's preparation for, and prosecution of the multi-week RICO trial in the matter of United States v. Monteiro, Cr. No. 03-10329-PBS. As a result, and because the undersigned is to be away from the office out of the state on personal and work related matters until March 6, 2006, the government moves *nunc pro tunc*, to extend the time in which an indictment would have to be obtained from January 12, 2006 through March 8, 2006, and further requests that the Court find, under 18 U.S.C. §3161(h)(8)(A), and §5(c)(1)(A) of the Plan for Prompt Disposition of Criminal Cases of this Court, that the ends of

justice served by granting the requested extension outweigh the best interest of the public and the defendant in a speedy trial and, accordingly, exclude the period of the extension in computing the time within which an information or an indictment must be filed under 18 U.S.C. §3161(b).

The government does not expect that it will be necessary to seek any further extensions or exclusions of time.

Respectfully submitted,

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